

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: T. Jerussi Confirmation No.: 9144
Serial No.: 10/717,653 Art Unit: 1611
Filed: November 21, 2003 Examiner: Rae, C.
For: METHODS OF TREATING Attorney Docket No.: 4821-529-999
NARCOLEPSY USING (JD 208423-999527)
ENANTIOMERICALLY PURE (S)-
DIDESMETHYLSIBUTRAMINE

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

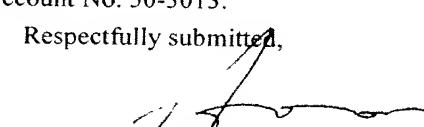
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 3, 2009 of the Primary Examiner finally rejecting claims 41-51 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time for responding to the final rejection for month(s):
 was filed on .
 is submitted herewith.
2. A timely response to the final rejection has been filed.
3. A fee in the amount of **\$540.00** is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of **\$270.00** is:
 Required.
 Not required (Fee paid in prior appeal).
5. The fee will be paid via EFS-Web. If any other fees are required, please charge such fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: May 4, 2009


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